

MANDATE

S.D.N.Y. – N.Y.C.
17-cr-548
Furman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3rd day of May, two thousand twenty-two.

Present:

Denny Chin,
Richard J. Sullivan,
Joseph F. Bianco,
Circuit Judges.

USDC SDNY
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DATE FILED: Jul 08 2022

In re Joshua Schulte,

21-2756

Petitioner.

Petitioner, proceeding pro se, seeks a writ of mandamus and moves for in forma pauperis status, to convert his mandamus petition to a notice of appeal, and to consolidate the converted appeal with the appeal docketed under 21-2702. Upon due consideration, it is hereby ORDERED that the motion for in forma pauperis status is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED as moot because this Court is no longer able to grant the relief that Petitioner seeks, *see Barrett v. United States*, 105 F.3d 793, 794 (2d Cir. 1996); whereas Petitioner asks this Court to order Judge Crotty to rule on the bail motion embedded in Petitioner's September 2021 habeas petition and/or to remove Judge Crotty from his case, Petitioner's criminal case has *already* been reassigned to Judge Furman, who has already ruled on the bail motion. It is further ORDERED that the motion to dismiss the mandamus petition, to convert it to a notice of appeal, and to consolidate it with the appeal docketed under 21-2702 is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

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MANDATE ISSUED ON 07/08/2022